

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 8/22/14
DATE FILED: 8/22/14

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
PASHA ANWAR, et al., :
:
Plaintiffs, : 09-cv-0118 (VM)
: 11-cv-3553 (Barbachano)
-against- :
:
FAIRFIELD GREENWICH LIMITED, :
et al., :
:
Defendants. :
-----X
VICTOR MARRERO, United States District Judge.

Following the Florida Supreme Court's decision in Tiara Condo Ass'n Inc. v. March & McLennan Cos., Inc., 110 So. 3d 399 (Fla. 2013), the Court, by Order dated May 8, 2013 (Dkt. No. 1137), granted certain plaintiffs in this case leave to amend their complaints to replead their negligence claims that the Court had previously dismissed or disallowed on the basis of Florida's economic loss rule as it was applied by Florida courts prior to Tiara. At a telephone conference on the same date, the Court directed the plaintiffs to submit a uniform negligence count that covered each plaintiff's negligence claim.

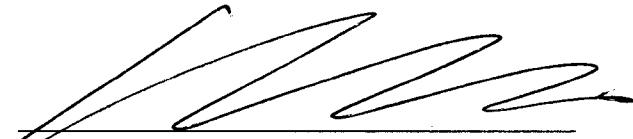
In advance of any such uniform negligence count, plaintiff Teresa Barbachano ("Barbachano"), by letter dated August 7, 2014 (Dkt. No. 1301), requested leave to file a second amended complaint against defendants Standard Chartered Bank International (Americas) Ltd. and Standard

Chartered PLC (together, "Standard Chartered") in Barbachano v. Standard Chartered Bank Int'l (Americas) Ltd., et al., 11-cv-3553 (S.D.N.Y.). By letter dated August 11, 2014 (Dkt. No. 1303), Standard Chartered opposed Barbachano's request. The Court held a telephone conference on this matter on August 13, 2014. Barbachano and Standard Chartered submitted letters in further support of their respective positions on August 18, 2014 (Dkt. No. 1307), and August 21, 2014 (Dkt. No. 1308), respectively.

The Court has reviewed the parties' submissions listed above and its previous decisions in this matter. The Court remains persuaded that it sufficiently considered and rejected the matter Barbachano raises in her proposed amended complaint in the Court's prior decision in Anwar v. Fairfield Greenwich Ltd., 891 F. Supp. 2d 548, 552 (S.D.N.Y. 2012). Accordingly, for the reasons stated therein, Barbachano's request for leave to file a second amended complaint, separate from repleading a uniform negligence count in coordination with all other plaintiffs, is hereby DENIED.

SO ORDERED.

Dated: 22 August 2014
New York, New York



VICTOR MARRERO
U.S.D.J.